

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

**WILLIE MOSELY, KENNARD SMITH,  
EDDIE MANN, and ALPHEAUS  
PUTMON,**

**Plaintiffs,**

**v. 6:12-cv-22**

**FORMER WARDEN DONALD  
JARRIEL, in his individual capacity,  
WARDEN BRUCE CHATMAN, in his  
individual capacity, TOMMY LEE  
JONES, MD, in his individual capacity,  
DEAN BROOME, MD, in his individual  
capacity, and DEPUTY WARDEN JOHN  
PAUL, in his individual capacity,**

**Defendants.**

**ORDER**

Before the Court is “Defendants’ Motion for Entry of Partial Final Judgment as to Fewer than All Parties” pursuant to Federal Rule of Civil Procedure 54(b). ECF No. 60. Having fully considered the motion, and for good cause shown, Defendant’s Motion is **GRANTED**.

Rule 54(b) states that “[w]hen an action presents more than one claim for relief . . . or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.” “District courts have substantial discretion in determining when there is no just cause for delay in entering judgment under Rule 54(b).” *Intergraph Corp. v. Intel Corp.*, 253

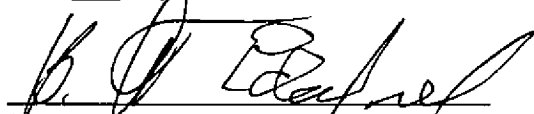
F.3d 695, 699 (Fed. Cir. 2001) (citing *Cold Metal Process Co. v. United Eng’g & Foundry Co.*, 351 U.S. 445, 452 (1956)). In order to grant Defendants’ motion, the court must find: (1) that multiple claims or parties are fully resolved; (2) that there is no just cause for delay; and (3) that the judgment constitutes a final judgment. *Sears, Roebuck & Co. v. Mackey*, 351 U.S. 427 (1956); *see also Lloyd Noland Found., Inc. v. Tenet Health Care Corp.*, 483 F.3d 773, 777 (11th Cir. 2007).

Here, all claims of Plaintiffs Dexter Fitzpatrick and Kelvin Tankersley have been dismissed, and all claims against Defendants Georgia Department of Corrections (“GDC”), Georgia State Prison (“GSP”), Georgia Health Sciences University (“GHSU”), Georgia Correctional Healthcare (“GCH”), Donald Jarriel in his official capacity, Bruce Chatman in his official capacity, Dr. Tommy Lee Jones in his official capacity, Dr. Dean Broome in his official capacity, and John Paul in his official capacity have been dismissed. The remaining Plaintiffs’ claims against the remaining Defendants do not require the dismissed Plaintiffs or the dismissed Defendants to continue as parties to this action. Nor would the entry of final judgment likely result in piecemeal appeals. Plaintiffs never objected to the Magistrate Judge’s Report and Recommendation (“R&R”), nor have they responded to Defendants’ motion. Defendants complain of the chance that, until the dismissal of the aforementioned Plaintiffs and Defendants is reduced to a final judgment, Plaintiffs may seek to bring any or all of these parties back into this lawsuit. ECF No. 60 at 4.

Defendants argue that “[t]he remaining Defendants should not have to incur the burden of discovery regarding the claims of [the dismissed Plaintiffs], and the Dismissed Defendants should not have to remain involved in this litigation.” *Id.* Considering all of these circumstances, the Court finds no just reason for delay.

Accordingly, Defendants’ motion, ECF No. 60, is **GRANTED**. The October 22, 2012 Order dismissing Plaintiffs Fitzpatrick and Tankersley from this action, and dismissing all claims against Defendants GDC, GSP, GHSU, GCH, and Jarriel, Chatman, Jones, Broome, and Paul in their official capacities, ECF No. 58, is certified as a final judgment as to fewer than all parties and immediately appealable.

This 11 day of December 2012.

A handwritten signature in black ink, appearing to read "B. Avant Edenfield", written over a horizontal line.

B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA